

**Dissenting Views to Accompany
H.R. 4698, "Disaster Relief Volunteer Protection Act of 2006"**

We strongly oppose H.R. 4698, the "Disaster Relief Volunteer Protection Act of 2006," which would extend immunity protection to individual volunteers, employers, and entities who volunteer to assist victims of national disasters. While proponents of H.R. 4698 maintain that unless liability immunity is extended to volunteers, their employers, and the volunteer organizations, potential volunteers would be unwilling to provide disaster relief services, there is no empirical evidence that there is a decrease in the voluntary effort. This legislation is strongly opposed by the Alliance for Justice, the Center for Justice & Democracy, Consumer Federation of America, Public Citizen, USAction, and the National Conference of State Legislatures.¹

H.R. 4698 is problematic for several reasons. First, there is no empirical evidence of a link between liability risk and volunteerism. Second, it undoes the balance achieved in the Volunteer Protection Act of 1997 by not only protecting volunteers but also employers, hosts, nonprofits organizations, and governmental entities. Third, the legislation is overly broad by protecting negligent and grossly negligent behavior of volunteers and entities and overrides already existing law. Fourth, it would leave innocent victims without recourse from negligent or grossly negligent behavior. Finally, the legislation was not the subject of any hearings.

Description of Legislation

H.R. 4698 purports to provide liability protection for individuals who volunteer to assist victims of national disasters. Specifically, this legislation provides liability protection for individuals who volunteer to assist victims of national disasters for any injury caused by an act or omission in connection with disaster relief services provided or facilitated by the volunteer. The bill does not provide immunity if the injury was caused by willful, wanton, or reckless misconduct or if the injury was caused by the volunteer's operation of a motor vehicle, vessel, aircraft or other vehicle which the state requires the operator or owner to have a license or maintain insurance.

The legislation also extends to the volunteer's employer or partner, who shall not be liable for any act or omission of a volunteer in connection with the volunteers providing disaster relief services. In addition, H.R. 4698 protects a host, enabling person, entity, and organization, that works with, accepts services from or makes its facilities available to a disaster relief volunteer. The bill also bars the liability of a non profit organization for any injury caused by an act or omission if the injury was not the result of willful, wanton, or reckless misconduct by the

¹Letter from Illinois State Senator Steven Rauchenberger, President of the National Conference of State Legislature, and Kansas Representative Janic L. Pauls, Chair of the NCSL Committee on Law & Criminal, to the Hon. Dennis Hastert, Speaker of the House, and the Hon. Nancy Pelosi, Minority Leader (March 24, 2006)(on file with the House of Representative Committee on the Judiciary, Democratic Staff). Letter from Alliance for Justice, the Center for Justice & Democracy, Consumer Federation of America, Public Citizen, USAction to the House of Representatives (March 22, 2006) (on file with the House of Representative Committee on the Judiciary, Democratic Staff).

nonprofit organization. Further, governmental and intergovernmental entities shall not be liable for injury caused by donations of disaster relief goods providing the injury was not caused by willful, wanton, or reckless misconduct by such governmental or intergovernmental entity.

Finally, the legislation prohibits the award of punitive damages in any civil action against a volunteer or governmental entity unless the claimant establishes by clear and convincing evidence that its damages were proximately caused by willful, wanton or reckless misconduct. Also, H.R. 4698 eliminates joint and several liability for non-economic damages.

I. No Empirical Evidence of Link Between Volunteerism and Risk of Civil Liability

The majority has offered no evidence to support their notion that a fear of "lawsuits" or "liability" is creating volunteer shortages and the mere suggestion that the protections are necessary to ensure a surplus of volunteers is preposterous. H.R. 4698 contains a purported Congressional finding that "the exposure of potential volunteers, their employers, and those who would use volunteers' services under existing law to compensatory and punitive damages for negligent acts discourages the provision of these services." However, no hearings have been held on H.R. 4698 to examine whether this is in fact the case. In fact, the empirical evidence shows a strong increase in volunteerism in recent years. Consider the following findings from a recent publication of the National Nonprofit Risk Management Center:

The statistics on volunteerism collected by the national umbrella organization Independent Sector counter the notion that fear of liability has dissuaded large groups of people from volunteering. According to Independent Sector, between 1980 and 1995, the number of volunteers in the United States grew from 80 million to 93 million, an increase of 16 percent, and a record 90 percent of individuals volunteered when asked.

Although we are somewhat doubtful about the claims that large numbers of persons have declined to volunteer due to fear about personal liability, we acknowledge that these fears have persisted during the past two decades...Despite this fear, we have yet to hear from someone whose fear of liability has led to the decision to cease participating as a volunteer in any form."²

The massive volunteer effort following hurricane Katrina demonstrates how H.R. 4698 fabricates a scenario that just doesn't exist in the face of a national disaster, namely that the fear of liability will somehow deter volunteers, placement organizations, and corporate America from rendering aid to victims. The Red Cross had 235,000 volunteers working in the hurricane disaster area, more than five times the previous peak of 40,000.

Americans continue to volunteer to help victims of Katrina; some are even being turned away or being asked to wait. To the extent some individuals were held back from volunteering, the reason was unrelated to our tort laws, but had to do with fighting red tape and government bureaucracy. H.R. 4698 has not presented any evidence that volunteers are really being held back by a perceived threat of lawsuits.

²*State Liability Laws for Charitable Organizations and Volunteers*; Nonprofit Risk Management Center; August 2005.

II. The Bill is Unnecessary in light of the Volunteer Protection Act of 1997 and pre-empts long-standing state tort laws

A. Background on The Volunteer Protection Act of 1997

The Volunteer Protection Act of 1997 was passed in an effort to address the perceived correlation between a decrease in volunteer activity and the possibility of civil liability. Specifically, the Act limited the liability of volunteers who are: (1) acting within the scope of their responsibilities; (2) properly licensed, certified, or authorized to act; (3) not causing harm by willful or criminal conduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual; and (4) not causing harm while operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator to possess a license or to maintain insurance.³

In addition, the Act eliminates joint and several liability for non-economic damages with respect to volunteers and limits awards of punitive damages against volunteers by requiring the plaintiff to establish “by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.”

The Act preempts inconsistent state laws except to the extent that such laws provide additional protection from liability to volunteers. Moreover, the legislation specifically provides that it would not preempt a State law that (1) requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers; (2) makes the organization or entity liable for the acts or omissions of its volunteers to the same extent that an employer is liable for the acts or omissions of its employees (i.e. respondeat superior); (3) makes a limitation of liability inapplicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. The act also allows states to enact statutes voiding the new federal legal limitations, but only to the extent all of the parties to a particular action are citizens of the State.

B. The Volunteer Protection Act makes this legislation unnecessary.

By protecting volunteers, organizations, and governmental entities, this legislation goes far beyond the Volunteer Protection Act which protects volunteers, but not non-profit organizations and other entities. The Volunteer Protection Act of 1997 was a carefully crafted law that provides immunity for volunteers serving non-profit organizations and government entities. It protects volunteers who are truly there to help, but does not protect non-profit organizations who should be held liable if their volunteers are not appropriately trained and equipped for the task at hand. Emergency volunteers should have appropriate safety training to help disaster victims in need. To require anything less jeopardizes the health and safety of the volunteers and the victims, potentially diverting time-sensitive rescue efforts away from the victims.

³Pub. L. No. 105-19.

C. H.R. 4698 preempts standard state tort laws.

As we have stated on numerous occasions, principles of federalism dictate that in all but the most exceptional cases, tort law should be left to the states. Tort law has traditionally been handled by the state legislative and court systems under a framework established by our founders. To the extent there is any problem with volunteer liability, the states are fully capable of passing their own laws protecting volunteers from personal civil liability. It is with good reason the federal government has traditionally deferred to the states regarding tort law. The Conference of State Chief Justices has testified that the search for uniformity through federal liability legislation will ultimately prove counterproductive:

It follows that Federal standards, however well articulated, will be applied in many different contexts and inevitably will be interpreted and implemented differently, not only by the State courts but also by the Federal courts . . . Moreover, State Supreme Courts will no longer be, as they are today, the final arbiters of their tort law . . . a legal thicket is inevitable and the burden of untangling it, if it can be untangled at all, will lie only with the Supreme Court of the United States, a court which many experts feel is not only overburdened but also incapable of maintaining adequate uniformity in existing Federal law.⁴

The National Conference on State Legislatures has also decried H.R. 4698's veiled attempt to preempt existing state tort laws and procedures and noted in other contexts that federalizing tort law would lead to severe problems:

In stoking the fires of this unfounded fear, the bill does more harm than good to those most in need. It severely hobbles states' ability to protect the most vulnerable of populations by preempting existing state laws that govern the conduct of such volunteers.

H.R. 4698 preempts all 50 states' good Samaritan laws. Good Samaritan laws provide for various immunities for volunteers who render aid in emergency situations. They generally do not, however, provide immunity for acts of gross negligence, reckless disregard or intentional misconduct. H.R. 4698 would essentially nullify every state's good Samaritan law with its broads removal of liability, even for acts of gross negligence, the nationally recognized standard for liability.⁵

The for-profit and business partner immunity provision of H.R.4698 directly violates hundreds of established state respondeat superior laws, holding that employers are liable for the negligent actions of their employees, while the employees are acting within the scope of their employment. Under the common law doctrine of respondeat superior, which literally means "let the master answer," for-profit entities, like all employers, are generally vicariously liable for the

⁴*Product Liability: Hearing on S. 565, The Product Liability Fairness Act of 1995 Before the Senate Comm. on Commerce, Science and Transportation*, 104th Cong., 6-7 (1995) (statement of Stanley Feldman of the Conference of Chief Justices, National Center for State Courts).

⁵Letter from the National Conference of State Legislature (March 24, 2006).

negligence of their employees and volunteers. These state laws exist for the sole purpose of protecting victims from unscrupulous behavior and provide a strong incentive for state agencies and for-profit entities who supply volunteers to engage in thorough screening efforts. Respondeat superior is grounded in fairness and equity concerns, concerns that H.R. 4698 squashes to protect the financial interests of corporations. For example, under H.R. 4698, if in the wake of a major earthquake, a reconstruction contracting company sent its employees to the disaster zone and the employees negligently re-constructed a home, and the roof collapsed killing several members of the family sleeping inside, the remaining family members would have no recourse. H.R.4698 would arguably prohibit these innocently injured victims from holding the contracting company or the volunteers accountable for negligence, receiving no compensation for their injuries or for the deaths of their loved ones.

In many respects, H.R. 4698 is even less justified than the other types of liability legislation previously considered by this Committee because it is so premature. By acting before there is even a single jury verdict, this Committee also departs from its long tradition of letting courts decide new cases before considering stepping in to alter the law where it believes the results are contrary to the public interest. By doing this, Congress never receives the benefit of considering the various fact patterns, legal issues, and evidence that may be presented in the ensuing trials.

Indeed, H.R. 4698 is so intrusive that if enacted into law, it may well be found inconsistent with recent Supreme Court decisions interpreting the Congressional power to legislate under the Commerce Clause. Four years ago in *United States v. Morrison*, the Court invalidated portions of the Violence Against Women Act, stating that Congress had overstepped its specific constitutional power to regulate interstate commerce.⁶ Despite vast quantities of data illustrating the effects that violence against women has on interstate commerce, the Court essentially warned Congress not to extend its constitutional authority in order to, “completely obliterate the Constitution’s distinction between national and local authority.” The same concerns were brought in *United States v. Lopez*, which invalidated a federal law criminalizing the possession of firearms in a school zone.⁷ In that case, the Supreme Court cautioned Congress regarding its limited authority in matters traditionally left to the states, Congress’s authority is not as broad. This would be particularly true concerning matters of public health and safety of the nature implicated by H.R. 4698.

II. The Bill is Overly Broad: The legislation goes well beyond protecting volunteers and provides immunity for negligent, grossly negligent conduct, and intolerable behavior

A. H.R. 4698 goes far beyond liability protection for volunteers

First, H.R. 4698 takes the huge step of not only offering immunity to for-profit organizations and business partners, but providing the immunity regardless of whether the volunteer is immune under the act. That is, even if the injury in question was caused by the

⁶ 240 U.S. 192 (1916)

⁷ 000 U.S. U10287 (1995)

volunteer's willful or criminal misconduct, the volunteer's employer would be immune under the bill. H.R. 4698 specifically states that "an employer or business partner of a disaster relief volunteer shall not be liable for any act or omission of such volunteer." Thus, an organization which negligently offered the volunteer services of someone convicted of a violent felony could arguably be off the hook if the felon attacked a disaster victim.

Second, the bill would protect charitable organizations, whether or not they serve legitimate disaster needs. In a March 13, 2006 *New York Times* article, it was reported that almost 400 new charities were fast tracked for tax exemptions without proper vetting including the Angel Pray Child Charity Foundation of King of Prussia which was established right after Katrina but has not assisted any child displaced by the hurricanes and the Lords of Leather Hurricane Relief Fund which intends to assist disaster victims into questionable sexual practices.⁸ Although these organizations may have a legitimate mission, if the purpose of the legislation is to provide liability protection for those individuals who are assisting victims of national disasters, we should make every effort to ensure that those charities protected are truly engaged in that practice.

H.R. 4698 also immunizes non-profit organizations for any injury, including personal injury, property damage or loss, and death, caused by its negligence or gross negligence in providing disaster relief services. This immunization effectively kills incentives for non-profits to properly screen and train volunteers. Many volunteers require or need special training in order to perform their duties. In fact, a number of state laws require nonprofit organizations to adhere to risk management procedures, including mandatory training of volunteers. Non-profit organizations should also have a general duty to make sure that their volunteers are properly trained to perform the services required. For example, private rescue squads must be held to ensure that their volunteers have emergency medical services training.

Holding non-profits accountable also provides a strong incentive for non-profits who supply volunteers to engage in thorough screening efforts. For example, non-profits need to appropriately screen their volunteers to ensure that pedophiles do not have access to children or that criminals are not caring for nursing home residents. However, H.R. 4698 abolishes incentives to undertake these screening procedures. Under the bill, if a non-profit organization negligently places volunteers with prior sex offenses in a shelter for women and children, and one of those volunteers sexually assaults a disaster victim staying in the shelter, the non-profit organization would be immune from all liability. *That is, organizations who fail to perform even cursory background checks of volunteers would be immune for their negligence.*

Finally, H.R. 4698 would also protect the Federal Emergency Management Agency, even though many have questioned this agency's actions to prepare for national disaster. Additionally, the legislation would insulate cities and counties from liability, even if they had used their authority to impede disaster relief. As these cities are the first responders to these

⁸Stephanie Strom, *Many Charities Founded After Hurricane Are Faltering*, N.Y. Times, March 13, 2006 also available at

http://www.nytimes.com/2006/03/13/national/nationalspecial/13charities.html?_r=1&oref=slogin

national disasters, it seems irresponsible to completely absolve them of all responsibility for their citizens.

B. H.R. 4698 protects organizations that engage in hate crimes

Although H.R. 4698 includes some minimal safeguards to insure that protection from liability does not inure to members of hate groups, these protections do not go nearly far enough. For example, an amendment to the bill offered by Ms. Jackson-Lee and accepted, prevents a disaster relief volunteer from receiving immunity if he or she causes an injury that constitutes a hate crime under 28 U.S.C. 534 note. However, this amendment does nothing to insure that an entity or nonprofit organization associated with hate is not immunized by this legislation and specifically applies to the action of the volunteer. Thus, H.R. 4698 continues to allow a militia or hate group who causes an injury that constitutes a hate crime to avoid liability for negligent and grossly negligent behavior. It would seem that if there was truly a basis for federalizing the field of disaster volunteer liability, no civil immunity of hate groups and organizations should be tolerated.

C. H.R. 4698 immunizes negligent and grossly negligent conduct

The bill goes far beyond the Volunteer Protection Act to immunize gross negligence. H.R. 4698 exempts irresponsible people and organizations from their own negligence. It would even insulate nursing homes, who use volunteers and whose failure to evacuate resulted in death, from civil liability. One could lose their loved one as a result of negligence by a nursing home; and if they raise the protections that are involved in this legislation, the person bringing the action could be left without compensation. Additionally, we are setting up, whether we admit it or not, a two-tier system of civil justice. One for the people that were able and could afford to escape disasters who will have their full right in the civil justice system, just as all people always have, but a lesser system for indigent individuals, many of whom, if not most, are minorities, who may have, and who may have suffered abuse as a result of additional negligence and misconduct.

III. The Bill Unnecessarily Mandates a heightened pleading standard for punitive damages and unfairly abolishes joint and several liability for non-economic loss.

A. Punitive Damage Limitation

H.R. 4698's limitations on punitive damages are ill-conceived and undermine the traditional approach to damages. In almost all instances, H.R. 4698 restricts victims' ability to recover punitive damages from governmental or inter-governmental entities and volunteers by imposing a major obstacle in the form of a heightened pleading standard. To recover punitive damages, H.R. 4698 requires victims to prove by "clear and convincing evidence" that their injuries resulted from the willful, wanton, or reckless misconduct of a governmental entity or volunteer. Traditionally, plaintiffs must prove punitive damages in civil cases by the more forgiving standard of "a preponderance of the evidence," which essentially translates into that it was more likely than not that the defendant engaged in the conduct at issue. Requiring innocent victims to plead with "clear and convincing evidence" will make it significantly more difficult for the plaintiff to prove his or her case.

The Volunteer Protection Act of 1997 restricts punitive damages by mandating a “clear and convincing evidence” standard, but allowed such damages if the harm was proximately caused by a “conscious, flagrant indifference to the rights or safety of the individual harmed.” H.R. 4698 chips away at the Volunteer Protection Act and provides even more protection to negligent governmental entities and individuals by eliminating this requirement.

Punitive damages exist to punish culpable parties and deter future misconduct. By virtually eliminating punitive damages from the disaster relief context, H.R. 4698 gives a free pass to culpable governmental entities and individuals.

B. Joint and Several Liability Elimination

The elimination of joint and several liability for non-economic damages in H.R. 4698 is also troubling. H.R.4698 abolishes joint and several liability for non-economic losses by requiring a court to render separate judgments against each responsible defendant. This provision of H.R.4698 would leave certain victims with less certainty of ever totally recovering for their damages. For example, injured poor victims would be adversely affected under the bill because since their incomes are low, they have few economic, pecuniary damages, even though they may have incurred substantial non-economic damages.

The non-economic damages provision could also shield those responsible for sexual crimes, if such culprits have empty pockets, thus affecting the amount of recovery for injured women. According to Professor Lucinda Finley in a recent study, “certain injuries that happen primarily to women are compensated predominantly or almost exclusively through noneconomic loss damages. These injuries include sexual or reproductive harm, pregnancy loss, and sexual assault injuries.”⁹ Under H.R. 4698, if a volunteer committed a sexual assault at a disaster relief housing facility, the joint and several liability provision could be triggered with the filing of a civil action, and assuming the assailant had no money, the injured victim would have no recourse for damages.

IV. H.R. 4698 severely overrides other legislation

In addition to affecting the Volunteer Protection Act, the sweeping liability exemptions in Section 3 of H.R. 4698 would also override the statutory scheme contained in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for voluntary assistance in dealing with chemical spills or other releases of hazardous substances.¹⁰ Under CERCLA Section 107(d) a volunteer can render care and assistance in responding to a release of chemicals or other hazardous substances and obtain liability protection if such assistance is provided in accordance with the National Contingency Plan or at the direction of an on-scene coordinator. In addition the person providing such care or assistance must perform such actions in a non-negligent manner.

⁹ Lucinda M. Finley, *The Hidden Victims Of Tort Reform: Women, Children, And The Elderly*, 53 Emory L.J. 1263, Summer 2004.

¹⁰ 42 USC 107(d)

The statutory scheme in Section 107(d) of CERCLA has worked well for 20 years and prevents a volunteer from moving barrels of leaking chemicals or responding to other hazardous substance releases in a manner that would exacerbate the contamination problem, increase the ultimate cleanup cost, and possibly contaminate local drinking water supplies and affect the public health. Dealing with highly toxic waste spills or releases requires that the procedures of the National Contingency Plan be followed or the work is performed under the supervision of a trained on-science co-ordinator in a non-negligent fashion to protect the health of the community. In addition, CERCLA Section 107(d) would not allow volunteer activities to change the liability of the polluter who is responsible for the contamination.

H.R. 4698 would eviscerate the carefully crafted scheme for rendering care and assistance provided for in CERCLA.

V. Legislation was not Subject to a Single Hearing

H.R. 4698, which would be among the most significant liability relief measures ever passed into law, has not been subject to a single hearing. The Committee has not heard from a single witness such as state policymakers, either pro or con, examining this legislation which would override state law in all 50 states and impact millions of Americans. Nor has the Committee received documentary evidence detailing the link between volunteerism and the risk of civil liability or generally why the legislation is even necessary. In contrast to the lack of legislative process surrounding H.R. 4698, the Volunteer Protection Act of 1997 was carefully examined by the Committee. The Committee heard from a wide array of witnesses, such as representatives of the Big Brother/Big Sister Foundation, the American Diabetes Association, Habitat for Humanity, American Council on Gift Annuities, and Points of Light Foundation, among many others.

After the tragedy of Katrina, this Committee passed several measures on a bipartisan basis. However, with respect to the issue of civil liability against volunteers of Katrina, the Chairman has opted to work without the input of the Minority. Specifically, H.R.3736, was taken directly to the House floor, also without any hearings or even a markup. To ensure that the hearing process would not be overlooked once again, Congressman John Conyers introduced a Motion to Postpone at the markup of H.R. 4698, delaying consideration of the measure for two weeks in order to give the Committee the opportunity to conduct hearings on this matter. However, the Republican majority on the Committee moved to lay on the table and squashed the Motion to Postpone without allowing any debate.

The Committee has a number of important items on its agenda. But few things are more important or complex than a bill which would supercede myriad state tort laws. Therefore, the majority should have allowed the Committee to appropriately examine and contemplate the various provisions of the bill through legislative hearings.

VI. Time Period of Immunity Protection

H.R. 4698 does not denote a time limitation on its coverage, nor any geographic limitation on the locale of entities entitled to immunity. Should a drug company that gives contaminated medicine to hurricane evacuees a year from now be immune? Should a construction company that donates damaged lumber to a rebuilding effort three years from now

be immune if the building collapses? Furthermore, the bill gives the Secretary of Health and Human Services broad power to issue a "Supplemental Declaration" that would extend immunity beyond the time period and geographic areas specified in the original Disaster Declaration. In order to be a reasonable and effective measure, H.R. 4698 must provide for a defined conclusion of immunity protection.

Conclusion

H.R. 4698 is a hastily created bill that would set a dangerous precedent by protecting grossly negligent behavior during times of disaster. This legislation has been drafted in the absence of a single verdict or lawsuit and would preempt the laws in all 50 states. Its reach is broad in its protection of negligent and grossly negligent activity and it would interrupt our common law system or tort law, implemented by our States, that has served our citizens for more than 200 years. We should not pass special interest legislation that panders to a few individuals and organizations at the expense of our system of federalism and the protection of citizens who are victims of disaster.

Description of Amendments Offered by Democratic Members

During the markup there was one motion to postpone and five amendments offered by Democratic members. The motion was offered by Mr. Conyers, one amendment by Mr. Scott, two by Ms. Waters and two by Ms. Jackson-Lee.

1. Conyers Motion to Postpone/Motion to Table

Description of Motion- This is a motion requesting to delay consideration of the measure for two weeks in order to give the Committee the opportunity to conduct hearings on this matter. To counter, a motion to table this motion was offered by the Majority

Vote on Motion to Postpone: The motion to table the motion to postpone was approved on a party-line vote of 15-8. Nays: Representatives Conyers, Scott, Jackson-Lee, Schiff, Sanchez, Waters, Meehan, Ayes: Representatives Smith, Chabot, Lungren, Jenkins, Green, Keller, Issa, Flake, Forbes, Coble, Feeney, Jenkins, Inglis, Goodlatte, Utah, Cannon.

2. Scott Amendment

Description of Amendment- This amendment would add "gross negligence" to injuries under which the liability protection would not apply.

Vote on Amendment: The amendment was defeated by a party-line vote of 18-9. Nays: Representatives Conyers, Scott, Jackson-Lee, Schiff, Sanchez, Meehan, Waters, Watt, Wasserman Schultz; Ayes: Representatives Sensenbrenner, Smith, Goodlatte, Coble, Jenkins, Flake, Chabot, Lungren, Cannon, Bachus, Hostettler, Green, Keller, Issa, Ingles, Forbes, Feeney, Gohmert.

3. Waters Amendment

Description of Amendment- This amendment would add the following phrase in the "Construction" section of the bill: "nothing in this section shall be interpreted or construed to supersede any contract law."

Vote on Amendment: The Amendment was agreed to on a voice vote.

4. Jackson-Lee Amendment

Description of Amendment- This amendment adds a provision to the liability of disaster relief volunteers section which offers immunity protection as long as “the injury was not caused by misconduct by the volunteer that constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note)).”

Vote on Amendment: The Amendment was agreed to on a voice vote.

5. Jackson-Lee Amendment

Description of Amendment- This amendment would amend the Clayton Act to address price gouging by volunteers in the context of a natural disaster: “During any time of national disaster, it shall be unlawful for any person providing volunteer services, in the course of providing such volunteer services, to sell, lease, or license, or to offer to sell, lease, or license, any necessary good or service at an unconscionable price in the United States.”

Vote on Amendment: The Amendment was withdrawn by Ms. Jackson-Lee.

John Conyers, Jr
Howard L. Berman
Robert C. Scott
Melvin L. Watt
Zoe Lofgren
Sheila Jackson Lee
Maxine Waters
Martin T. Meehan
William D. Delahunt
Robert Wexler
Anthony D. Weiner
Linda T. Sanchez
Chris Van Hollen
Debbie Wasserman Schultz